

REMARKS

The Office Action dated February 13, 2006, has been received and carefully considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Applicants note with appreciation the indication on page 7 of the Office Action that claims 5-8, 13-16 and 19-21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have opted to defer rewriting the above-identified claims in independent form pending reconsideration of the arguments presented below with respect to the rejected independent claims.

I. THE OBVIOUSNESS REJECTION OF CLAIMS 1-4, 7-12, 15-18, AND 21-27

On page 2 of the Office Action, claims 1, 2, 4, 9-10, 12, 17-18 and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinbashi et al. (U.S. Patent No. 5,796,717) in view of Kanekar et al. (U.S. Patent No. 6,751,191). On page 6 of the Office Action, claims 3 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinbashi et al. in view of Kanekar et al. as applied to claims 9 and 1, and further in view of Adams, Jr. et al. (U.S. Patent No. 5,444,782). On

page 7 of the Office Action, claims 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinbashi et al. in view of Kanekar et al. as applied to claims 1, 9 and 17, and further in view of Koodli (U.S. Patent No. 6,608,841). These rejections are hereby respectfully traversed.

Regarding independent claim 9, the Examiner asserts - and Applicants disagree - that Shinbahsi discloses, among other things, at least one backup node operatively connected to the primary node (see Fig. 4A; blocks 3-1 and 3-2, stand-by unit); means for replicating ingress traffic to the at least one backup node (see Fig 4A: connection from Input line of the primary node to the input of block 4a); and means for outputting primary egress traffic from the primary node (Fig. 6: blocks mux/demux of the standby unit).

The Examiner also asserts - and Applicants agree - that Shinbashi et al. fails to explicitly disclose "synchronizing means operatively connected to the primary node and the backup node for synchronizing the at least one backup node and the primary node."¹ The Examiner further asserts, however, that

¹ On page 5 of the Office Action, the Examiner states that claim 1 is rejected for the same reason as claim 9 because the apparatus in claim 9 can be used to practice the method steps of claim 1. The Examiner also states that the subject matter of claim 17 is similar to that of claim 1, therefore the rejection of claim 1 would apply to reject the article of manufacture of claim 17 as well.

"Kanekar explicitly disclosed such synchronizing means operatively connected to the primary node (master 202 in figure 3) and the backup node (slave 204) for synchronizing the at least one backup node and the primary node (see 1102 figure 11A)." The Examiner also asserts that "[a]t the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such synchronizing means operatively connected to the primary node and the backup node for synchronizing the at least one backup node and the primary node, as taught by Kanekar with Shinbashi in order to reduce the switchover time upon failure of the primary node."

Applicant respectfully submits that Shinbashi, the primary reference, does not teach or suggest the specific recitations: "at least one backup node operatively connected to the primary node," "means for replicating ingress traffic to the at least one backup node," and "means for outputting backup egress traffic from the at least one backup node," as expressly recited in independent claim 9. Applicant further respectfully submits that these three limitations, collectively, define a concurrent connection between the primary and backup node that is absent in Shinbashi. Rather, Applicant respectfully submits that Shinbashi, unlike the claimed systems and methods, discloses "standby units" that are not concurrently connected to the

primary node." Instead, the "standby units" disclosed by Shinbashi are only connected to the working unit when failure of the working unit occurs:

A switching system for switching from a unit or units in a working state to a unit or units in a stand-by state in which the units in a stand-by state are provided as either individual stand-by units or as common stand-by units. An individual stand-by unit or a switching unit can be accommodated at a position at which it forms a pair with a working unit, and a ***working unit or units which are to be connected to a switching unit upon the occurrence of failure of the working unit or units are automatically connected to a common stand-by unit.***

See Shinbashi, Abstract (emphasis added).

In contrast, the claimed systems and methods expressly require (1) "at least one back up node operatively connected to the primary node," (2) "means for replicating ingress traffic to the at least one backup node," and (3) "means for outputting backup egress traffic from the at least one backup node," all of which collectively define a concurrent connection between the primary and backup node. In particular, Applicant respectfully submits that in order for the replication and outputting functions to be performed as claimed, there necessarily needs to be a concurrent connection between the primary and backup node. In other words, the primary and backup node must be connected at all times in order to be able to replicate the ingress traffic

to the at least one backup node, and output the backup egress traffic from the at least one backup node.

Thus, because Shinbashi does not teach or suggest such a concurrent connection between the working and standby units, it cannot therefore teach or suggest "means for replicating the ingress traffic to the at least one backup node;" and "means for outputting backup egress traffic from the at least one backup node." That is, Applicant respectfully submits that even though Shinbashi may disclose a connection from the Input line of the primary node to the input of block 4a and a mux/demux of the standby unit, Shinbashi does not teach or suggest "at least one backup node operatively connected to the primary node," "replication to the at least one backup node" or "outputting from the at least one backup node" because the "standby units" disclosed by Shinbashi are only connected to the working unit when failure of the working unit occurs. Applicant respectfully submits that without a concurrent connection between the working and standby units, it is impossible to replicate ingress traffic to the standby unit and output egress traffic from the standby unit in the manner claimed.

Further, Applicant respectfully submits that the proposed combination of Shinbashi and Kanekar is improper and does not teach or suggest all of the pending recitations of independent

claim 9. In particular, Applicant respectfully submits that because Shinbashi does not teach or suggest a concurrent connection between the working and standby units, there can be no motivation to synchronize the primary node and the backup node, as required by independent claim 9. More specifically, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the teachings of Shinbashi and Kanekar because Shinbashi relates to a system for switching units in digital multiplexing equipment having a plurality of units for multiprocessing signals (e.g., multiplexing or de-multiplexing), and would thus not benefit from incorporating the load sharing and redundancy scheme disclosed by Kanekar.

Indeed, Applicant respectfully submits that because Shinbashi's working and standby units are not connected until such time as a failure occurs, Shinbashi's systems and methods cannot therefore synchronize the working and standby units in the manner claimed because, without such a connection, there is nothing to synchronize. Thus, Applicant respectfully submits that the purported motivation to combine is improper (and in fact cannot be achieved) because Shinbashi effectively teaches away from the claimed systems and methods - i.e., one of ordinary skill in the art reading Shinbashi would not be

inclined to synchronize the working and standby units in the manner claimed and thus would not combine Shinbashi and Kanekar to yield the claimed invention. Accordingly, Applicant respectfully submits that the proposed combination of Shinbashi and Kanekar is improper and further fails to teach or suggest each and every element the claimed systems and methods. As a result, Applicant respectfully submits that independent claim 9 is allowable over the cited references for at least the reasons set forth above.

The remaining independent claims (e.g., claims 1 and 17) recite subject matter that is related to independent claim 9, and are therefore allowable for reasons similar to those given above.

The dependent claims 2-4, 7-8, 10-12, 15-16, 18, and 21-27, are allowable at least by virtue of their dependency on the above-identified independent claims. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claims 25-27 expressly recite "wherein the ingress and egress traffic comprise session context information." Applicant respectfully submits that neither Shinbashi, Kanekar, Adam, nor Koodli, alone or in combination, teach or suggest such a feature or functionality.

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In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-4, 7-12, 15-18, and 21-27 be withdrawn.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

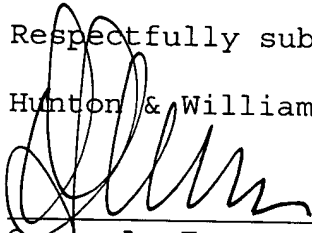
To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By:


Ozzie A. Farres

Registration No. 43,606

TEA/OAF/dja

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201
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